

### **REMARKS**

This responds to the Office Action dated 10 March 2010. Claims 1-37 are pending in the application with claims 31-37 being withdrawn. Claims 1, 12, 20 and 28 are amended. Support for the amendments is provided by at least FIGS. 3 and 6 and the description at page 7 of the present application.

#### **Claim Rejections – 35 U.S.C. §103**

Claims 1-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,545,1782 Kenney et al. in view of U.S. Published Application No. 2002/01837872 to Wahr et al. and U.S. Published Application No. 2003/01768902 to Buckman et al. Applicant respectfully traverses this rejection.

Claim 1 as amended recites “the ratchet mechanism including a first member that maintains a fixed position relative to the filament, and a second member that is movable along the filament relative to and in contact with the first member.” Claim 12 as amended recites “the ratchet mechanism including a first member that maintains a fixed position relative to the internal component, and a second member that is movable relative to the internal component and in contact with the first member.” Claim 20 as amended recites “the ratchet mechanism including a first member that maintains a fixed position relative to the anchor, and a second member that is movable relative to and in contact with the first member.” Claim 28 as amended recites “a strap and locking hub attached to the filament adjacent to the anchor, the hub being movable along and in contact with the strap in a first direction.”

Kensey discloses with reference to FIGS. 1-5 a device 20 used to close and seal a tissue puncture. The device 20 includes a sealing member 36, an anchoring member 38, a holding member 40, and a positioning filament 42 that interconnects the features 36, 38, 40. The holding member 40 is constructed as a disc that slides along the filament 42 to compress the sealing member 36 toward the anchoring member 38 (*see* FIGS. 6 and 7). The holding member 40 is a single-piece device that is void of a ratchet mechanism. Furthermore, the holding device 40 moves in its entirety toward the anchor along the filament 42 to compress the sealing member 36. There is no disclosure or suggestion by Kensey of combining the holding member 40 with any other feature to assist in compressing the sealing member 36 or maintaining the sealing member 36 in a compressed state.

Wahr discloses with reference to FIGS. 1 and 11 a closure device 10 that includes an anchor 12 connected to a tether 16. The tether 16 extends through and connects to a second anchor 14 via a releasable fixation mechanism 30 that is fixed to the anchor 14. When released, the releasable fixation mechanism 30 permits the anchor 14 to move along the tether 16 relative to the anchor 12. When locked, the releasable fixation member 30 fixes a position of the anchor 14 relative to the anchor 12.

The Wahr apparatus fails to disclose separate features of a filament, an anchor, a sealing plug, and a two-piece locking apparatus as set forth in each of independent claims 1, 12, 20 and 28. As noted by the Examiner, Wahr fails to disclose a detailed structure and only generally discloses a ratchet mechanism.

Buckman fails to remedy the deficiencies of Wahr and Kensey as they relate to claims 1, 12, 20 and 28. Buckman discloses a ratchet device that includes a bolt 10 having a plurality of serrations 20 along at least one of its ends 18, and a pressure plate 26 with ratcheting lock 28 that ratchets along the serrations 20. There is no disclosure or suggestion by Buckman of using a ratchet mechanism in combination with a filament, anchor, sealing plug, and two-piece locking apparatus. Thus, Buckman suffers from the same deficiencies as Wahr and Kensey as they relate to independent claims 1, 12, 20 and 28.

Furthermore, Wahr discloses direct contact of the releasable fixation mechanism 30 with the tether 16. The tether 16 is comparable to the claimed filament to which the anchor is attached and along which the sealing plug moves toward the anchor. Buckman discloses a similar construction to what is disclosed in Wahr in that the bolt 10 disclosed by Buckman is comparable in function to the claimed filament. In contrast, each of independent claims 1, 12 and 20 recites “a second member that is movable along the filament relative to and in contact with the first member” (or similar language), and claim 28 recites “a strap and locking hub attached to the filament adjacent to the anchor, the hub being movable along and in contact with the strap.” There is no disclosure or suggestion by Buckman or Wahr of using a two-piece locking apparatus having a ratchet feature in combination with the filament as set forth in independent claims 1, 12, 20 and 28.

One of ordinary skill in the art reviewing Kensey would have no motivation to replace the single-piece holding member 40 of Kensey with a two-piece locking

apparatus having a ratchet mechanism as set forth in the independent claims. Furthermore, there is no motivation for one of skill in the art to replace the single-piece holding member 40 taught by Kensey with a two-piece locking apparatus as set forth in the claims, or to maintain a first member of the two-piece locking apparatus in a fixed position relative to the filament and move the second member along the filament relative to and in contact with the first member, as recited in claims 1, 12 and 20.

In view of the foregoing, Applicant submits that Kensey, Wahr and Buckman, alone or in combination, fails to disclose or render obvious every limitation of independent claims 1, 12, 20 and 28, and the claims that depend from them.

### **Conclusion**

For at least the foregoing reasons, Applicant believes that each of the presently pending claims in this application is in immediate condition for allowance. Accordingly, Applicant respectfully requests a favorable action on the merits. If the Examiner has any further comments or suggestions, Applicant invites the Examiner to telephone the undersigned attorney to expedite the handling of this matter.

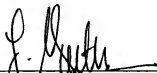
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patent application are only applicable to the present patent application and should not be considered when evaluating any other patent or patent application.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 08-2623.

Respectfully submitted,

Date: 10 JUNE 2010

  
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